

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAM BHAROSE,

Plaintiff,

MISC S-04-0305 WBS JFM PS

v.

UNITED STATES OF AMERICA,  
et al.,

Defendants.

ORDER TO SHOW CAUSE

On October 1, 2004, plaintiff filed a document entitled "Petition to Quash Summons and for Damages." This document, the first document filed in this action, was not noticed for hearing and contained no certificate of service. The court's docket sheet does not reflect that summons were issued. On April 14, 2005, counsel for defendants filed a motion to dismiss this action for plaintiff's failure to accomplish service of process as required by Fed. R. Civ. P. 4(i). That motion was noticed for hearing on May 19, 2005. Plaintiff has failed to timely file an opposition. Pursuant to Local Rule 78-230(h), the court has determined that the matter will be submitted on the papers without oral argument.

It appears plaintiff has not complied with the Federal Rules of Civil Procedure. Fed. R. Civ. P. 4(i). Accordingly, plaintiff will be directed to show cause, within ten days, why defendants' motion to dismiss should not be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. The May 19, 2005 hearing is vacated; and

2. Within ten days, plaintiff shall show cause why defendants' April 14, 2005 motion should not be granted and this action be dismissed.

DATED: May 9, 2005.

  
UNITED STATES MAGISTRATE JUDGE

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